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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

FRANK LAPENA,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, a government entity;  
CLARK COUNTY, a political subdivision of  
the State of Nevada and Government Entity;  
CHARLES LEE, an Individual and Police  
Officer and District Attorney Investigator; the  
Estate of CHARLES LEE; BEECHER  
AVANTS, an Individual and Police Officer  
and District Attorney Investigator; the Estate  
of BEECHER AVANTS; MICHELE  
WHITNEY, an Individual and Police Officer;  
O.R. "Ray" LYONS, an Individual and Police  
Officer; JERRY KELLER, an Individual and  
Sheriff, in his individual and official  
capacities; CLARK COUNTY DISTRICT  
ATTORNEY'S OFFICE, a Governmental  
unit and Individual; DAVID SCHWARTZ,  
an Individual and Prosecutor; MELVYN  
HARMON, an Individual and Prosecutor; the  
Estate of MELVYN HARMON; CLARK  
PETERSON, an Individual and Prosecutor;  
PAMELA WECKERLY, an Individual and  
Prosecutor; MARC DIGIACOMO, an  
Individual and Prosecutor; BOB MILLER, an  
Individual and District Attorney; STEWART  
BELL, an Individual and District Attorney;  
DAVID ROGER an Individual, Prosecutor  
and District Attorney; STEVE WOLFSON,  
an Individual and District Attorney; and  
JOHN and JANE DOES I thru X, individuals,

Defendants.

Case Number: 2:21-cv-02170-JCM-NJK

**STIPULATION AND ORDER TO  
WITHDRAW MOTIONS**

**(ECF NOS. 8 & 21)**

The Parties, by and through their counsel of record, hereby stipulate and agree as follows:

**PROCEDURAL HISTORY**

1. On November 2, 2021, Plaintiff commenced this action against the Defendants in the Eighth Judicial District Court of the County of Clark, State of Nevada. (ECF No. 1.)

2. On December 9, 2021, Defendants Las Vegas Metropolitan Police Department (“LVMPD”), Michele Whitney and Jerry Keller (“LVMPD Defendants”), removed this case to the United States District Court, District of Nevada (ECF No. 1).

3. On December 14, 2021, Defendants Clark County, Clark County District Attorneys Office, Stewart Bell, David Roger, Steve Wolfson, Pamela Weckerly, Mark DiGiacomo, David Schwartz, and Clark Peterson (“Clark County Defendants”), filed a Notice of Consent for Removal to federal court. (ECF No. 5).

4. On December 16, 2021, the Clark County Defendants filed their Answer to Plaintiff’s Complaint. (ECF No. 6).

5. On December 16, 2021, the Clark County Defendants filed a Motion for Partial Judgment on the Pleadings. (ECF No. 8)

6. On December 22, 2021, the LVMPD Defendants filed an Answer to Plaintiff’s Complaint. (ECF No. 20)

7. On December 22, 2021, the LVMPD Defendants filed a Motion for Partial Dismissal. (ECF No. 21)

8. On January 3, 2022, Defendant Bob Miller joined the Clark County Defendants as a defendant and filed his Notice of Consent for Removal and Joinder to the Motion for Partial Judgment on the Pleadings. (ECF Nos. 22 and 23)

9. On January 5, 2022, Plaintiff filed his First Amended Complaint (“FAC”), with exhibits. (ECF No. 24)

**STIPULATION AND ORDER**

Based upon the above procedural history, the parties hereby STIPULATE TO THE FOLLOWING:

1. The Clark County Defendants' Motion for Partial Judgment (ECF No. 8) is **MOOT.**

2. The LVMPD Defendants Motion for Partial Dismissal (ECF No. 21) is **MOOT.**

3. The Parties hereby stipulate and agree that the Clark County Defendants and LVMPD Defendants shall have until February 1, 2022, to file responsive pleadings to Plaintiff's First Amended Complaint (ECF No. 24).

IT IS SO STIPULATED this 18<sup>th</sup> day of January, 2022.

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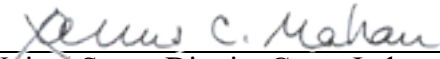
**ORDER**

IT IS SO ORDERED, that the Clark County Defendants' Motion for Partial Judgment (ECF No. 8) and the LVMPD Defendants' Motion for Partial Dismissal (ECF No. 21) are MOOT;

1 IT IS FURTHER ORDERED the Defendants' motions are withdrawn; and

2 IT IS FURTHER ORDERED the Defendants shall have until February 1, 2022, to  
3 file responsive pleadings to Plaintiff's First Amended Complaint (ECF No. 24).

4 DATED January 31, 2022.

5   
6 United States District Court Judge

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